UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/RES/49/175
2 March 1995

Forty-ninth session
Agenda item 100 (a)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/49/610/Add.1)]

49/175. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards set forth in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Elimination of All Forms of Discrimination against Women 4/ and the Convention on the Rights of the Child, 5/

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 34/180, annex.

5/ Resolution 44/25, annex.

improve the situation and to ensure the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, 6/ all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, in which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that in the Vienna Declaration and Programme of Action States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 48/148 of 20 December 1993, it requested the Secretary-General to submit to it at its forty-ninth session a report on the status of the Convention,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. Welcomes the signature or ratification of, or accession to, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General, within existing resources, to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6/ A/CONF.157/24 (Part I), chap. III.

6. Takes note of the report of the Secretary-General 7/ and requests him to submit to it at its fiftieth session an updated report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its fiftieth session under the sub-item entitled "Implementation of human rights instruments".

94th plenary meeting
23 December 1994

7/ A/49/405.

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2 March 1995

Forty-ninth session
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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/49/610/Add.1)]

49/176. United Nations Voluntary Fund for Victims of Torture

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 1/ which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2/

Reaffirming the importance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 3/

Welcoming the recommendation in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, 4/ that providing necessary resources for assistance to victims of torture should be given high priority, inter alia, by additional contributions to the United Nations Voluntary Fund for Victims of Torture,

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries,

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1/ Resolution 217 A (III).

2/ Resolution 3452 (XXX), annex.

3/ Resolution 39/46, annex.

4/ A/CONF.157/24 (Part I), chap. III.

recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the Fund,

Alarmed at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and members of their families,

Taking note of the report of the Secretary-General, 5/

Noting the steps taken by the Secretary-General, through the staff of the Centre for Human Rights of the Secretariat, to assist the Board of Trustees of the Fund in its efforts to increase public awareness of the Fund and its humanitarian work,

Recalling the statement by the Board of Trustees of the Fund on the need to receive contributions from Governments on a regular basis, which, inter alia, would prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role,

Taking account of the fund-raising campaign launched on the recommendation of the Board of Trustees of the Fund at its eleventh session, held from 22 April to 1 May 1992, to enhance the capacity of the Fund to respond more favourably to the increasing number of requests for assistance to victims of torture,

Taking account also of the increasing number of projects and the repeated requests by the Board of Trustees of the Fund to have adequate staff for the operations of the Fund,

Noting with satisfaction the establishment of an international network of centres for the rehabilitation of torture victims, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

1. Expresses its gratitude and appreciation to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

2. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees of the Fund and if possible also with a substantial increase in the number and level of contributions so that consideration may be given to the ever-increasing demand for assistance;

3. Requests the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund;

4. Expresses its appreciation to the Governments that pledged contributions to the Fund at the 1994 United Nations Pledging Conference for Development Activities;

5/ A/49/484 and Corr. 1 and Add.1.

5. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

6. Expresses its appreciation to the Board of Trustees of the Fund for the work it has accomplished;

7. Renews its request to the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions;

8. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and technical equipment to ensure the efficient operation and management of the Fund;

9. Also requests the Secretary-General to report to the General Assembly at its fiftieth session on the operations of the United Nations Voluntary Fund for the Victims of Torture.

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/49/610/Add.1)]

49/177. Report of the Committee against Torture and status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 1/ and article 7 of the International Covenant on Civil and Political Rights, 2/ both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975 and contained in the annex to that resolution,

Recalling further its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, contained in the annex to that resolution, and called upon all Governments to consider signing, ratifying and acceding to the Convention as a matter of priority, its subsequent resolutions on the status of the Convention, most recently its resolution 47/113 of 16 December 1992 and its decisions 46/428 and 46/430 of 17 December 1991, as well as the Commission on Human Rights resolutions on the subject, most recently resolution 1994/38 of 4 March 1994, 3/

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials 4/ and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, 5/

Recalling the adoption of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 6/

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world, and concerned by the stagnation in the number of ratifications to the Convention received during the past year,

Determined to promote the full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling Commission on Human Rights resolution 1992/32 of 28 February 1992, 7/ in which the Commission decided to extend for three years the mandate of the Special Rapporteur to examine questions relevant to torture,

Noting with appreciation the activities of the open-ended working group of the Commission on Human Rights, while expressing its concern at the pace of its progress in elaborating a draft optional protocol to the Convention,

1. Commends the Committee against Torture for its excellent report, in its modified presentation, 8/ and for the improvement in its working methods;

2. Notes the status of submission of reports by States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 9/

3. Emphasizes the importance of the strictest compliance by States parties with their obligations under the Convention;

4. Urges all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

4/ Resolution 34/169, annex.

5/ Resolution 37/194, annex.

6/ Resolution 43/173, annex.

7/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

8/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 44 (A/49/44).

9/ Ibid., annex III.

5. Encourages the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention to intensify its deliberations with a view to an early conclusion of its work;

6. Stresses the importance of strict adherence by States parties to their obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and urges States parties whose arrears predate the provisions made by the Secretary-General for financing the Committee from the regular budget to fulfil their obligations forthwith;

7. Invites States parties to consider contributing to the United Nations Voluntary Fund for Victims of Torture as a gesture reflecting the determination of States to promote human rights;

8. Welcomes the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties, and especially its revision of its general guidelines for the submission of reports by States parties, as well as its practice of formulating concluding observations after the consideration of such reports;

9. Commends the Centre for Human Rights of the Secretariat for the advisory services and technical assistance it provides to States, at their request, in preparing national reports to the Committee;

10. Welcomes the continuing close contacts and exchange of information, reports and documents between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture;

11. Invites donor countries and developing countries that so agree to consider including in their bilateral development cooperation programmes and projects relating to the training of armed forces and police personnel in matters relating to the protection of human rights and the prevention of torture;

12. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

13. Urges all States that have not yet done so to become parties to the Convention as a matter of priority;

14. Invites all States ratifying or acceding to the Convention and those States which are parties to the Convention and which have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention, and to consider the possibility of withdrawing their reservations to article 20;

15. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-first session and to the General Assembly at its fifty-first session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

16. Decides to consider the reports of the Secretary-General and the Committee against Torture at its fifty-first session under the sub-item entitled "Implementation of human rights instruments".

94th plenary meeting
23 December 1994